



16711

MOC Policy letter 04-01

MAY 25 2004

From: J.A. Servidio
COMDT (G-MOC)

A handwritten signature in black ink, appearing to read "J.A. Servidio", written over the "From:" line.

To: Distribution

Subj: INSPECTION GUIDANCE FOR VESSELS THAT RETAIN A VALID COI BUT DO NOT GET UNDERWAY

Ref: (a) Marine Safety Manual, Volume II, Chapter B.4.I.

1. Purpose: To provide guidance to field units regarding vessels that retain a valid Certificate of Inspection, but who do not intend to get underway.

2. Directives Affected: None

3. Discussion:

(a) Recently there has been a prevailing trend with inspected gaming vessels to voluntarily remain pier side vice cruising. This has prompted some field units to use the term "continuously moored vessel" to describe vessels that choose not to get underway, yet possess a valid Certificate of Inspection (COI) issued by the U. S. Coast Guard. At present, the majority of these are casino vessels, but nothing limits this to the gaming industry. Since no such legal term exists Coast Guard units should refrain from the use of the term "continuously moored vessel."

(b) Permanently Moored Vessels (PMV) are vessels that are removed from navigation and are not inspected by the Coast Guard. They are vessels that would have received a COI had they stayed in navigation but instead have become "substantially a land structure" or cannot be moved except on a deliberate basis where extensive effort and equipment would be required. It may also include those vessels whose shoreside hotel accommodations tie directly in with the vessel, i.e. water, sewage, electrical, etc. As such, inspection responsibilities are turned over to the State. Before receiving a PMV designation, these vessels must satisfy the Coast Guard that appropriate safeguards are in place by meeting the criteria specified in reference (a).

(c) Regardless of dockside or underway operation, vessels certificated by the U.S. Coast Guard must remain in full compliance with their approved plans as well as applicable statutory and regulatory requirements at all times. By authority, Officer-in-Charge, Marine Inspection (OCMI) have been given broad latitude in granting minor deviations from certain regulations, establishing equivalencies or assigning manning levels. Indeed, 46 CFR Part 199 allows an OCMI to conduct a safety assessment on passenger vessels over 100 tons by using risk based decision-making principles to allow departures from traditional lifesaving equipment requirements. Some ports have conducted these safety assessments to determine that a reduction in inflatable buoyant apparatus acceptable. Sliding scale manning tables have also been found acceptable.

(d) In considering any departure from established regulations or policy it is crucial to consider how the impact of the proposed deviation could negatively affect passenger and vessel safety. Arguments that a vessel, whose operator chooses not to get underway should be treated similarly to PMVs, cannot be considered valid since such vessels remain bound to the conditions of their COI during all operating conditions. For example, dedicated safety areas such as stair towers, cannot be outfitted as an accommodation space with gaming equipment, vending machines, or any other obstructions that could potentially limit passenger egress or reduce emergency muster areas.

(e) As with other vessels, OCMI's should submit for approval vessel design changes along with requisite plans to the Marine Safety Center (MSC). This is particularly important where vessel designs were previously approved as an "equivalency" to 46 CFR Subchapter H requirements under NVIC 10-91 (Inspection and Certification of Floating Detention Facilities) or NVIC 8-93 (Equivalent Alternatives to 46 CFR Subchapter H). Additionally, where changes to occupancy designations, refuge areas, emergency evacuation plans, or automatic sprinkler system coverage is contemplated or observed, plans must be resubmitted to the MSC for review and approval.

4. Action: Regardless of dockside or underway operation, OCMI's and their staffs ensure that certificated vessels remain in compliance with their approved plans as well as applicable statutory and regulatory requirements, at all times during all operating conditions. This guidance shall be incorporated into a future revision of the Marine Safety Manual. Additional questions on this policy should be directed to COMDT (G-MOC-1).

#

Distribution: CG PACAREA (Pm)
CG LANTAREA (Am)
All CG District (m)
All OCMI's, MSOs, ACTs, MSUs
LORAC